

IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION United States Courts  
Southern District of Texas  
FILED

UNITED STATES OF AMERICA,  
Respondant, Appealee,

V.

ROQUE URDIALES GARCIA,  
Movant, Appellant.

MAR 17 2011

David J. Bradley, Clerk of Court

Crim.No.4:89-00232-3  
Hon.David Hittner

*Original*

**MOTION FOR LEAVE TO FILE NOTICE OF APPEAL OUT OF TIME  
FOR GOOD CAUSE SHOWN**

Comes now Petitioner Pro-se who moves this Court for permission to file his notice of appeal out of time. This request is annexed to Petitioner's Motion in the nature of a writ of error coram nobis pursuant to 28 U.S.C. §1651 that was filed with this honorable court on or around November 1,2010.

Petitioner makes this request based on the following;

1. Petitioner was never notified of this courts November 4,2010, decision Denying Petitioner's coram nobis motion.
2. Petitioner sent this court a letter on January 24,2011, **Ex.A** requesting a status update on Petitioner's coram nobis motion which was never answered, or for whatever reason Petitioner never recieved a reply.
3. On March 11,2011, contact was made with this court's clerk

via a phone call from the federal prison in which the court clerk informed Petitioner that this Court had denied Petitioner's coram nobis on November 4, 2010. Petitioner requested a copy of this Courts November 4, 2010, Order Denying Petitioner's coram nobis and requested the clerk make a note in the file regarding Petitioner's lack of notice of this Court's november 4, 2010, decision.

4. Petitioner makes this request in good faith and not for any tactical advantage.

5. The opposing party will not be prejudiced in any way by the granting of this motion.

Based on the above, petitioner respectfully requests this Court Grant petitioner's motion for leave to file notice of appeal out of time.

Dated: 3-14-11

Respectfully Submitted,

Roque Garcia  
Roque Garcia #49905-079  
Federal Correctional Inst.  
P.O. 5000  
Greenville, IL  
62246-5000

1-25-2011

United States District Court

Bob Casey U.S. Ct.House  
515 Rusk Street Rm.5300  
Houston, Tx 77002-2600

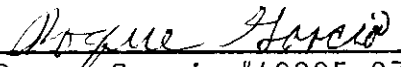
RE:Roque Garcia Case #4:89-CR-00232-3

Dear Clerk:

I am writing to request a status update on a "coram nobis" motion I filed with this court around October,2010.  
It has been several months since this was filed and I have not recieved any response from the court. Please send me a copy of the docket entry relating to this motion being filed and, any status update that is available.  
Your prompt response is appreciated.

Dated;1-24-2011

Sincerely,

  
Roque Garcia #49905-079  
Federal Corr.Inst.  
P.O.5000  
Greenville, Il  
62246-5000

cc:file

Exhibit A

**CERTIFICATE OF SERVICE**

I certify that on 14th day of March, 2011, a true and correct copy of the above and foregoing motion for leave to file notice of appeal out of time was placed in the United States mail with sufficient first class postage affixed thereto, addressed to:

Joe Mirsky  
AUSA  
910 Travis St, Ste.1500  
P.O.Box 61129  
Houston, Tx 77208

*Rogue Garcia*

X

3-12-2011

Clerk  
United States District Court  
Bob Casey U.S. Courthouse  
515 Rusk Street Rm. 5300  
Houston, Tx 77002-2600  
Re: 4:89-CR-00232-3-Roque Garcia

United States Courts  
Southern District of Texas  
FILED  
MAR 17 2011  
David J. Bradley, Clerk of Court

Dear Clerk:

Please find original and 3 copies of my motion to file notice of appeal out of time. Please send me a stamped filed copy for my records.

As you can see there seems to be an ongoing problem with me getting this courts decisions or response letters from you. Please check your listing of my address for accuracy. I am enclosing a self addressed envelope for your use. Please send me an up to date copy of the docket in this case and a copy of Judge Hittner's November 4, 2010, Order denying my coram nobis motion if you have not done so already. I am adding sufficient postage for these additional documents. Thank-you in advance for your time and help in this matter it is greatly appreciated.

Sincerely,

*Roque Garcia*

Dated:

Roque Garcia #49905-079  
Federal Correctional institution  
P.O. 5000  
Greenville, IL  
62246-5000

cc:file

Rogue Garcia #49905-079  
Federal Correctional Institution  
P.O. 5000  
Greenville, IL  
62246-5000

Legal Mail

United States Courts  
Southern District of Texas  
FILED

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David L. Bradley, Clerk of Court

Clerk:  
United States District Court  
Bob Casey U.S. Courthouse  
515 Rusk Street Rm. 5300  
Houston, Tx 77002-2600

